

[Advisory Opinion 1992-6]
ADVISORY OPINION 92-32

IBM has offered to give the Montgomery County Police Department (MCPD) a 60 channel Dictaphone Model 5000, master logging recorder. IBM has requested that MCPD formally request, in writing, this equipment. You have asked if MCPD may accept this gift and write the letter requested by IBM. This memorandum confirms the oral advice given by the Ethics Commission staff in response to your inquiry.

Ethics Commission staff has spoken with representatives of IBM who have indicated that the recorder requires no special support equipment, software, or maintenance agreement.

The Ethics Commission interviewed a representative of MCPD at its meeting on June 3, 1992, who indicated that there is a departmental need for the 60 channel recorder. Finally, the Commission understands that the County has contracts with IBM and that some of these contracts are administered by MCPD.

Section 19A-16(e), Montgomery County Code (1984), provides that a public employee may accept an unsolicited gift to a County agency even if the gift is from an entity that does business with the County agency with which the public employee is affiliated.

Accordingly, the Ethics Commission concludes that a public employee may accept on behalf of MCPD the recorder from IBM; however, the letter requested by IBM must clearly indicate that IBM's offer to donate the recorder was not solicited by the County.

If you have any questions regarding this advice, please contact the Commission.

Date of Issue:7/1/92